

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 20, 2006

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., and S. Stahl, Deputy Clerk.

Each of the following:

B181743	Kobayashi et al. v. Foster
B182373	People v. Thomas
B182471	People v. Moore
B182745	People v. Garren C.
B182791	People v. Ramirez
B183363	People v. Tanner C.
B183543	People v. Iniguez
B183828	People v. Moreno
B184681	People v. Takabayashi
B185649	People v. Caldwell
B186814	DCFS v. Shirley S.
B189771	Diane M. v. SCLA (DCFS, rpi)
B190405	Kelly C. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

B184109 People
 v.
 Perez

Merits:

Argued by Donald R. Tickle for appellant and by Robert S. Henry, Deputy Attorney General, for respondent. Cause submitted.

Rothschild, J., assumes the bench.

DIVISION ONE (Continued)

B186679 People
 v.
 Caldwell

Merits:

Argued by Roberta Schwartz, Deputy District Attorney, for appellant.
Respondent waived oral argument. Cause submitted.

Vogel, J., leaves the bench.

B185550 People
 v.
 Gonzales

Merits:

Argued by Patricia Ihara for appellant and by A. Scott Hayward, Deputy Attorney General, for respondent. Cause submitted.

Vogel, J., returns to the bench.

B187823 Los Angeles County, D.C.S.
 v.
 Jesus H.

Merits:

Argued by Lisa A. DiGrazia, for appellant and by Lisa Proft, Deputy County Counsel, for respondent. Cause submitted.

Mallano, J., leaves the bench.

DIVISION ONE (Continued)

B187073 Gaston and Perryman
B187161 v.
 Superior Court, Los Angeles County
 The People

Merits:

Argued by John Hamilton Scott, Deputy Public Defender, for petitioner Perryman, and Michael Goodman, Deputy Public Defender, for petitioner Gaston, and by Roberta Schwartz, Deputy District Attorney, for real party in interest, the People. Cause submitted.

Mallano, J., returns to the bench.

B183976 Maynez et al.
 v.
 City of Los Angeles

Merits:

Argued by Joseph Scully, for appellants and by Amy Field for respondent. Cause submitted.

Vogel, J., and Rothschild, J., leave the bench.

Ashmann-Gerst, J., (assigned) takes the bench.

B181246 Jogani
 v.
 Jogani

Merits:

Argued by Frederic D. Cohen, for appellant and by Elwood Lui for respondents. Cause submitted.

Ashmann-Gerst, J., (assigned) leaves the bench.

Rothschild, J., returns to the bench.

DIVISION ONE (Continued)

B187480 Los Angeles County, D.C.S.
 v.
 Renard H.

Merits:

Argued by Andrea St. Julian, for appellant and by O. Raquel Ramirez,
Deputy County Counsel, for respondent. Cause submitted.

Vogel, J., returns to the bench.

Mallano, J., leaves the bench.

B174809 Diaccents-Superings, Inc.
 v.
 California Center Bank

Merits:

Argued by M. Gregg McKerroll for appellant and by Alan I. White for
respondent. Cause submitted.

Mallano, J., returns to the bench.

Spencer, P.J., leaves the bench.

B174809 Safeco Insurance Company of America et al.
 v.
 Superior Court, Los Angeles County
 (Century Surety Company, r.p.i.)

Merits:

Argued by Robert V. Closson, for petitioners; by Pamela E. Dunn for real
party in interest and by Paul E. B. Glad for amicus Association of
California Insurance Companies. Cause submitted.

Court recessed at 12:09 p.m.

DIVISION ONE (Continued)

Court reconvened at 12:14 p.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J. and S. Stahl, Deputy Clerk.

B177595 Oved and Associates Construction Services et al.
v.
Star Iron Works et al.

Merits:

Argued by John M. Gatti for appellants; by Kent G. Mariconda for respondent Star Iron Works; by John A. Heath for respondent L.A. County MTA and by Ronald S. Sofen for respondent Wilson. Cause submitted.

B175530 Armenta et al.
v.
Mueller Co. et al.

Merits:

Argued by Eric R. Havian for appellants; by Charles L. Kreindler for respondent Tyco & Mueller and by David S. MacCuish for respondent Watts Industries. Cause submitted.

Court adjourned.

B186744 People (Not for Publication)
v.
Pasanemith Luangnikone

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

DIVISION ONE (Continued)

B183828 People (Not for Publication)
v.
Daniel Vincent Moreno

The judgment is modified by striking the second \$200 restitution fine (§ 1202.4, subd. (b)), and by reducing Moreno's sentence from mid-term to low-term (16 months); as modified, the judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B182745 People (Not for Publication)
v.
Garren C.

Conditions 15, 16, and 21 are modified to read as quoted above and, as modified, the order is affirmed and remanded to the juvenile court with directions to issue a corrected minute order.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B183363 People (Not for Publication)
v.
Tanner D.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

DIVISION ONE (Continued)

B177496 Shmuel Erde
v.
Wallace P. Moriarty, et al.

Filed order denying petition for rehearing.

DIVISION TWO

B186239 Pollock
v.
University of Southern California

Filed order denying petition for rehearing.

DIVISION THREE

B181454 Chen (Not for Publication)
v.
Maloney, et al.

The judgment is affirmed. Maloney shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B183934 Morgan Phillips, Inc. (Certified for Partial Publication)
 v.
 JAMS/ENDDISPUTE et al.

The judgment is reversed. Appellant(s) to recover costs.

Willhite, J.

We concur: Epstein, P.J.
 Hastings, J. (Assigned)

B185179 Lane Tone International Trade Corp. (Not for Publication)
 v.
 Chan Law Group et al.

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
 Hastings, J. (Assigned)

B180377 People (Not for Publication)
 v.
 Thomas

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
 Hastings, J. (Assigned)

June 20, 2006 (Continued)

DIVISION FOUR (Continued)

B184135 People (Not for Publication)
v.
Broussard

The judgment is affirmed.

Hastings, J. (Assigned)

We concur: Epstein, P.J.
Willhite, J.

B185296 People (Not for Publication)
v.
Otis H.

The order is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Hastings, J. (Assigned)

DIVISION FIVE

B189514 People (Not for Publication)
v.
Darryl Wayne Buckhana

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J.

DIVISION FIVE (Continued)

B186642 In re: Albert J. F (Not for Publication)

v.

The People

Albert J. F.,

The appeal is dismissed.

Turner, P.J.

We concur: Mosk, J.

Kriegler, J.

B180484 People (Not for Publication)

v.

Jeffrey T.

The Trial Court's order granting the Welfare and Institutions Code section 1800 petition and extending defendant's involuntary treatment is affirmed.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J.

B185914 People (Not for Publication)

v.

Tony Tatum

The sentence is reversed. As to all counts, the trial court is to either impose or strike pursuant to section 1385, subdivision (a), all enhancements. Upon issuance of the remittitur, the superior court clerk is directed to prepare and deliver to the Department of Corrections and Rehabilitation an entirely accurate abstract of judgment. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J.

DIVISION FIVE (Continued)

[illegible]

The wardship order sustaining the petition is affirmed. The dispositional order is reversed. The matter is remanded to the juvenile court to allow the court to: exercise its discretion to determine whether the assaults with a deadly weapon likely to impose serious bodily injury were misdemeanors or felonies; to clarify which probationary conditions were imposed; and, to set a maximum period of physical confinement.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

B189024 In re: Deonte S., (Not for Publication)
v.
DCFS
Whitney R.,

The Welfare and Institutions Code section 366.26 order is reversed and the cause is remanded for compliance with the federal Indian Child Welfare Act requirements. All other orders are affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION FIVE (Continued)

B185750 People (Not for Publication)
v.
Bryan Pagayon

The judgment is affirmed.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

B182981 Sherry J. Williams (Not for Publication)
v.
Curtis L. Williams

In sum, appellant's brief reveals that she was genuinely concerned about the well-being of her grandmother, and believes that those entrusted with her care were not motivated by her best interests. We appreciate the very real frustration appellant experienced in the course of the Conservatorship, and especially her extreme dismay at the issuance of the restraining order which prevented her from visiting her beloved grandmother. As a practical matter, however, Ms. Willis's passing precludes a satisfying legal remedy. Accordingly, we must affirm. Respondents shall recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

B181784 Sal Avina (Not for Publication)
v.
Manuel Quintero

The judgment is affirmed. Quintero shall recover costs.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

DIVISION SIX

B185610 People (Not for Publication)
v.
Henderson

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B187456 Human Services Agency (Not for Publication)
v.
Darian L.,
In re Destinie L., A Minor

The judgment (order terminating parental rights) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B183571 Yecney Ent. (Not for Publication)
v.
United States Aircraft Ins.

The judgment is reversed. Costs are awarded to Greenarc.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

June 20, 2006 (Continued)

DIVISION SIX (Continued)

B189192 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B186978 Santa Barbara Co. Child Welfare Services (Not for Publication)
v.
Kara M.

The orders are affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B184939 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

June 20, 2006 (Continued)

DIVISION SIX (Continued)

B187618 People (Not for Publication)
v.
Sandrak

The order is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B177632 David M.
v.
Martha M.

Filed order modifying opinion. (No change in the judgment)

DIVISION EIGHT

B181966 People (Certified for Publication)
v.
Jenkins

Appellant's sentence is vacated. The prior serious or violent felony findings under Penal Code section 667, subdivision (a)(1) and the Three Strikes Law are reversed and the cause is remanded for further proceedings in accordance with this opinion. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.